

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

FAIR FIGHT ACTION, INC, *et al.*,

Plaintiffs,

v.

BRAD RAFFENSPERGER, *et al.*,

Defendants.

Civil Action No.
1:18-cv-05391-SCJ

**PLAINTIFFS' STATUS REPORT IN ACCORDANCE WITH
PARAGRAPH 12 OF THE COURT'S
NOVEMBER 30, 2021, ORDER, ECF 641**

Plaintiffs report to the Court on the parties' progress on various matters addressed in the Court's November 30, 2021, Order, ECF 641 and the Court's January 26, 2022, Order, ECF 704:

Final trial preparation continues. On Monday, Plaintiffs filed their Motion in Limine and Memorandum in Support to Limit the Testimony of Gabe Sterling and Otherwise Preclude the Introduction of any Evidence Related to Defendants' Post-2021 Election "Initiatives."¹ Today, Plaintiffs will file their responses to Defendants' two Motions in Limine to Exclude Certain Plaintiffs' Witnesses (ECF 726 and 728) and to Defendants' Motion in Limine to Exclude Dr. Adrienne Jones'

¹ Plaintiffs have no objection to Defendants' request that their response to the Motion be due March 21, 2022.

Supplemental Report and Related Testimony (ECF 727). Lastly, Plaintiffs filed a Motion for Leave to Disclose Fact Witnesses, ECF 722. Defendants response was filed March 8, 2022. Plaintiffs anticipate submitting a reply no later than March 22, 2022.

Plaintiffs have prepared charts of the parties' depositions designations, objections, and responses and provided those to defense counsel for their review for accuracy. Plaintiffs anticipate submitting the first of the charts next week—along with highlighted transcripts—for the Court's review.

In their March 2, 2022, Status Report, ECF 732, Defendants averred that Plaintiffs “lack a viable remedy” for their claims and, separately, that they “understand that Plaintiffs are not seeking to bifurcate trial” between a merits stage and a remedies stage. Report 3. For all the reasons this Court has already expressed in its decision on the motion for summary judgment (merits) and as Plaintiffs will demonstrate further at trial, there are numerous remedies this Court has authority to order Defendants to implement to remedy their constitutional and statutory violations. ECF 612 at 34. As regards the structure of trial, Plaintiffs respectfully submit that no formal structure need be applied and the parties' submission of evidence and argument should instead be governed by the Court's preferences as we proceed. In the first instance, we expect that the trial will focus on the Court's evaluation of the merits of Plaintiffs' claims and the question of liability—where

Plaintiffs will bear the burden of proof. While we fully expect to present evidence of alternatives to the unconstitutional practices Plaintiffs challenge at trial, we anticipate that the Court will appropriately seek additional briefing and possibly oral argument on remedies if it finds violations of law. In that latter stage, Plaintiffs expect the Court will want to solicit the views of all parties—and perhaps the parties’ previously disclosed expert witnesses—in order to determine appropriate remedies. Plaintiffs are amenable to whatever presentation structure the Court prefers.

Respectfully submitted this, the 11th day of March, 2022.

CERTIFICATION

Pursuant to Local Rule 7.1(D), I hereby certify the foregoing complies with the font and point selections approved by the Court.

/s/ Allegra J. Lawrence

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Church, Inc.; Virginia-Highland Church, Inc.; and
The Sixth Episcopal District, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that, on March 11th, 2022, the foregoing **Plaintiffs' Status Report in Compliance with Paragraph 12 of the Court's November 30, 2021, Order, ECF 641** was filed with the Court using the ECF system, which will serve all counsel of record.

This, the 11th day of March, 2022.

/s/ Allegra J. Lawrence

Allegra J. Lawrence